IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.125 OF 2006

Vijaykumar Mayakrishan Petitioner

versus

Rajashri S. Jadhav and anr. Respondents

Mr.N.V.Vechalekar for petitioner.

Mr.Hitesh Jain i/by ALMT for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd January 2006

PC :

1. Heard Shri Vechalekar for petitioner and Shri Jain for respondents. With the assistance of learned advocates for the parties I have perused the application preferred by the petitioner seeking condonation of delay of 277 days in filing an appeal to the District Court. The Court below should have taken a liberal view of the matter. The petitioner-appellant had pointed out to the Court below that after the appeal was taken on record pursuant to delay of 17 days being condoned, the office objections could not

be removed by him, as he was not aware of the order and thereafter was ill and could not pursue the proceedings further. The delay was not as such as could be attributed to the bona fides being lacking or deliberate inaction or negligence on the part of the petitioner. The said delay, therefore, should have been condoned by applying liberal principles in considering the term "sufficient cause". The delay is accordingly condoned. If the petitioner now removes all the office objections and pays costs of Rs.1,500/- within fifteen days, the Lower Appellate Court to decide the appeal on merits and in accordance with law. Payment of costs is condition precedent. Petition disposed of.

(S.C.DHARMADHIKARI, J.)